

## **REMARKS**

The final Office Action mailed on September 18, 2007 (“Office Action”) has been received and carefully considered. The Office Action rejects claims 1-45 as allegedly being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,233,566 to Levine *et al.* (“Levine”). Applicants respectfully traverse this rejection as set forth in detail below.

### **I. Each Claim Must Be Addressed**

The Office Action’s analysis in summarily rejecting forty-five (45) claims weighs in at less than a page. Applicants have repeatedly requested that the Examiner address each limitation of each claim of the present application as required by law and U.S. Patent Office policy. *See* Applicants’ Response of August 3, 2007, page 10; Applicants’ Response of October 6, 2006, pages 9-10; and Applicants’ Interview Summary of August 3, 2007. The Examiner has failed to do so. Accordingly, the Examiner has failed to set forth a *prima facie* case of anticipation with respect to the pending claims.

### **II. The Cited Art Fails To Disclose Searching Underlying Securities After Receiving Search Criteria Identifying A Structured Securities Transaction**

Claim 1, as amended, recites “receiving ... search criteria identifying at least one structured securities transaction ... associated with at least one underlying security” and “retrieving historical financial performance data associated with the at least one underlying security.” Thus, the claim recites receiving search criteria identifying a structured security transaction and then retrieving data associated with a security underlying the transaction. The cited reference, U.S. Patent No. 6,233,566 to Levine *et al.* (“Levine”), fails to disclose this limitation.

Levine absolutely fails to disclose (1) receiving search criteria identifying a structured security transaction, and then (2) searching financial performance data for securities underlying that structured securities transaction. This limitation is completely absent from Levine.

In particular, none of the entities discussed by Levine provide search criteria identifying a structured security transaction and then receive search results associated with an underlying security. Levine discloses several types of entities that may utilize Levine’s system. *See* Levine,

Table 1. However, none of these entities utilize Levine's system as presently claimed. People applying for loans, *i.e.*, borrowers, for example, use Levine's system to apply for a loan. *See, e.g.*, Levine, column 12, lines 27-32. Entities providing loans, *i.e.*, lenders, use Levine's system to access loan applicants' data. *See, e.g.*, Levine, column 18, lines 38-45. Loan servicing entities use Levine's system to acquire data on loans that they are servicing. *See, e.g.*, Levine, column 16, lines 14-18. Sellers of mortgage backed securities, *i.e.*, investors, use Levine's system to search loan pools and to create mortgage backed securities. *See, e.g.*, Levine, column 15, lines 53-60; and column 16, lines 1-8. Thus, at most, Levine discloses searching pools of loans that are not associated with any mortgage backed security. Accordingly, Levine fails to anticipate the present claims.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). MPEP § 2131 reinforces this principle: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the cited references fail to disclose "receiving ... search criteria identifying at least one structured securities transaction ... associated with at least one underlying security" and "retrieving historical financial performance data associated with the at least one underlying security," Applicants respectfully request that claim 1 and all claims dependent thereon be allowed.

### **III. The Cited Art Fails To Disclose Historical Financial Performance Data Arranged In A Time Series**

Claim 1 recites "retrieving historical financial performance data associated with the at least one underlying security, at least some of the historical financial performance data being arranged in a time series." Levine fails to disclose this feature.

The Office Action does not address this limitation, instead alleging that Levine's "data can be updated in real-time..." *See* Office Action, page 3. Of course, "real-time" data is not data

arranged in a time series, as claimed. In that sense, Levine is typical of the prior art. *See* Specification, page 3, lines 9-18. Thus, Levine fails to meet the limitation at issue.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). MPEP § 2131 reinforces this principle: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the cited references fail to disclose "retrieving historical financial performance data associated with the at least one underlying security, at least some of the historical financial performance data being arranged in a time series," Applicants respectfully request that claim 1 and all claims dependent thereon be allowed.

**IV. Levine Fails To Disclose Storing Trustee Reports Including Data Defined By Indenture Documents For The Structured Securities Transactions**

Claim 39 recites "storing respective trustee reports for each of the plurality of securities, the trustee reports including data defined by respective indenture documents for the structured securities transactions."

The Office Action alleges that "negotiations for the loan pooling is considered to become the Pooling and Servicing agreement (includes information for trustee report and indenture documents per applicants' page 4 of the specification. Levine stores this information and therefore also meets claims 39 and 40)." *See* Office Action, page 3. To the contrary, even if Levine were to disclose storing "negotiations" or "Pooling and Servicing" agreements, and Applicants do not so concede, such would not meet the claim language. That is, Levine fails to disclose "storing respective trustee reports for each of the plurality of securities, the trustee reports including data defined by respective indenture documents for the structured securities transactions" as claimed.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993)

(unpublished). MPEP § 2131 reinforces this principle: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the cited references fail to disclose "storing respective trustee reports for each of the plurality of securities, the trustee reports including data defined by respective indenture documents for the structured securities transactions," Applicants respectfully request that claim 1 and all claims dependent thereon be allowed.

V. **Levine Fails To Disclose Storing and Searching Contact Information Concerning Structured Securities Transactions**

Claim 43 recites, "storing respective contact information concerning the structured securities transactions," "receiving search criteria ... identifying at least a some of the contact information," and "retrieving the contact information identified by the search criteria." Levine fails to disclose these limitations.

The Office Action fails to address this limitation. Moreover, Levine fails to disclose or suggest the limitations at issue. Accordingly, the rejection is improper and must be reversed.

Under 35 U.S.C. § 102, anticipation requires that a prior art reference disclose each and every element of the claimed invention. *In re Sun*, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). MPEP § 2131 reinforces this principle: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the cited references fail to disclose "storing respective contact information concerning the structured securities transactions," "receiving search criteria ... identifying at least a some of the contact information," and "retrieving the contact information identified by the search criteria," Applicants respectfully request that claim 43 and all claims dependent thereon be allowed.

**VI. Conclusion**

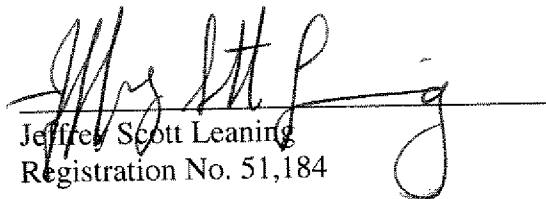
In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The present response is submitted together with a petition for a one-month extension of time. In the event that the U.S. Patent and Trademark Office requires any additional fee to enter this Reply or to maintain the present application pending, please charge such fee to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
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Dated: December 17, 2007

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